

**ALLEGED SHIPMENT:** On or about September 12, 1951, by Mrs. H. W. Pierce, from Carr, Colo.

**PRODUCT:** 5 cartons, each containing 12 ounces, of *Diaplex* at San Angelo, Tex. Samples taken from other shipments of *Diaplex* were found to consist of a species of saltbush, such as *Atriplex canescens*.

**LABEL, IN PART:** (Carton) "Diaplex for Diabetics \* \* \* for further information address c/o H. W. Pierce, Wellington, Colo."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the following statements borne on the carton label were false and misleading: "Diaplex for Diabetics \* \* \* A diabetic should drink \* \* \* Diaplex \* \* \* watch the urine test daily and you will be amazed at the results. \* \* \* Persons using Diaplex with insulin should make the urine test daily, and as the pancreas increases its normal functions, reduce the amount of insulin sufficiently to avoid insulin reaction. Only use enough insulin to take care of the surplus sugar, and eventually eliminate the insulin entirely. But continue the use of Diaplex until you are well and strong. Persons who have never used insulin, and not in coma, will find it unnecessary to do so. All that will be required is to adhere to a good diabetic diet and drink two quarts of Diaplex for a few months, and like thousands of others he, too, will rejoice in the grand activity of good health and vigor." These statements represented and suggested that the article was an adequate and effective treatment for diabetes, and that its use would render unnecessary the use by diabetics of insulin, whereas the article was not an adequate and effective treatment for diabetes, and its use would not render unnecessary the use by diabetics of insulin.

**DISPOSITION:** April 21, 1952. Default decree of condemnation and destruction.

**3717. Misbranding of liver extract. U. S. v. 169 Packages \* \* \*. (F. D. C. No. 32430. Sample No. 26648-L.)**

**LABEL FILED:** January 14, 1952, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 9 and December 3, 1951, by the Lederle Laboratories, Division American Cyanamid Co., from Pearl River, N. Y.

**PRODUCT:** 169 packages, each containing 3 1-cc. vials, of *liver extract* at Philadelphia, Pa.

Examination disclosed that the product contained approximately 10 micrograms of vitamin B<sub>12</sub> per cubic centimeter.

**LABEL, IN PART:** (Package) "Concentrated Solution Liver Extract \* \* \* Each cc contains 20 Microgm of Vitamin B<sub>12</sub> by Biological Assay."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the statement "Each cc contains 20 Microgm of Vitamin B<sub>12</sub>" borne on the label was false and misleading since the product contained less than that amount of vitamin B<sub>12</sub>.

**DISPOSITION:** April 22, 1952. Default decree of condemnation and destruction.

**3718. Misbranding of vitamin tablets. U. S. v. 864 Packages, etc. (F. D. C. No. 31202. Sample No. 25305-L.)**

**LABEL FILED:** June 18, 1951, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** During April 1945, by Major Vitamins, Inc., from New York, N. Y.

**PRODUCT:** 864 24-tablet packages, 1,008 48-tablet packages, and 1,008 cartons, each carton containing 1 100-tablet bottle, of *vitamin tablets* at Conshohocken, Pa.

LABEL, IN PART: "Major B Complex Brand Natural Vitamin Tablets \* \* \* [or "Major-B Brand Natural Vitamin B Complex with added thiamine Tablets"]."

|   | <i>Each Tablet</i> |                   | <i>(3 Tablets)</i> |
|---|--------------------|-------------------|--------------------|
|   | <i>Milligrams</i>  | <i>Micrograms</i> | <i>Micrograms</i>  |
| Thiamine (Vitamin B <sub>1</sub> )-----   | .333               | 333               | 1,000              |
| Riboflavin (Vitamin B <sub>2</sub> )----- | 0.166              | 166               | 500                |
| Pyridoxine (Vitamin B <sub>6</sub> )----- | 0.026              | 26                | 80                 |
| Pantothenic Acid-----                     | 0.083              | 83                | 250                |
| Niacin-----                               | 0.166              | 166               | 500                |

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the article in the packages and cartons, namely, in a leaflet entitled "Buoyant Health For All The Family," which was enclosed in each package and carton, were false and misleading. The statements represented and suggested that the article was effective to provide greater energy, steadier nerves, better digestion, improved health and vigor, better appetite, insurance from vitamin deficiencies, and physical well-being, and protection against frequent colds, constipation, fatigue, digestive upsets, and other common ills; that the article would provide the vitamins found in whole wheat bread, eggs, milk, liver, and tomato juice; that there are widespread dietary deficiencies that would be corrected by use of the article; that the article contained nutritionally significant amounts of all vitamins of the B-complex; that foods are an unreliable source of vitamins for the reasons specified; and, therefore, that it was desirable, if not necessary, to supplement the ordinary diet with the article. The article was not capable of fulfilling the promises of benefit made for it, and the statements were contrary to fact.

The article was alleged also to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: November 29, 1951. Default decree of condemnation and destruction.

3719. Misbranding of Rexair device. U. S. v. 94 Devices, etc. (F. D. C. No. 27277. Sample No. 41923-K.)

LABEL FILED: June 27, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 1, 1949, by the Rexair Div., Martin-Parry Corp., from Toledo, Ohio.

PRODUCT: 94 *Rexair devices* and 10 copies of booklets entitled "Rexair The Modern Home Appliance" and "King of The Air" at Chicago, Ill.

LABEL, IN PART: "Rexair Conditioner and Humidifier."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned booklets, which accompanied the devices, were false and misleading. The statements represented and suggested that the device, through removal of dust from the air, was effective to hasten convalescence and prevent asthma, hay fever, and tuberculosis; and that the device was effective in preventing air-borne infections, causing 85% of deaths from infectious diseases, including pneumonia, tuberculosis, diphtheria, bronchitis, colds, influenza, la grippe, asthma, catarrh, croup, hay fever, sinus infections, tonsillitis, measles, scarlet fever, meningitis, typhoid, tetanus, septic sore throat, allergic diarrhea, and infantile eczema. The device was not capable of fulfilling the claims of benefit stated and implied.